

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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CLINTON BEDELL,)
)
Petitioner,)
)
v.) Case No. 5:18-cv-46
)
LISA MENARD,)
)
Respondent.)

DECISION ON APPEAL FROM REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
(Doc. 42)

In March 2018, petitioner Clinton Bedell filed a petition for habeas corpus pursuant to 18 U.S.C. § 2254. The case was automatically referred to U.S. Magistrate Judge John Conroy pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 73(f). Petitioner is pro se.

Petitioner has filed nine dispositive motions (Docs. 10, 17, 19, 20, 21, 23, 24, 26, and 30) and five non-dispositive motions (Docs. 15, 16, 22, 25, and 39). The magistrate judge issued his Report and Recommendation concerning the dispositive motions and an accompanying Order concerning the non-dispositive motions. The magistrate judge recommended denial of all dispositive motions and denied the non-dispositive motions. (Doc. 42.)

Pursuant to Fed. R. Civ. P. 72, petitioner filed a timely objection to the Report and Recommendation and Order. (Doc. 44.) In effect, he has appealed the decision of the magistrate judge to the district court.

This court has reviewed the Report and Recommendation and Order issued on July 31, 2018. The court accepts and adopts the Report and Recommendation as it relates to the dispositive motions. The magistrate judge carefully considered each motion. The recommendation that these motions be denied is supported by case law and consistent with the limited procedures which apply to habeas petitions. *See* Rules Governing Section 2254 Cases. This court agrees with the Report and Recommendation that the petitioner's request for remedies

such as a preliminary and permanent injunction, judgment on the pleadings, default, directed verdict, and nominal damages have no application in the context of a Section 2254 proceeding. The court also agrees that the proposed amendments related to claims of “sexual privacy,” “due process liberty,” and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc-2000cc-5, in the context of familial incest lack any merit and should be denied.

The court declines to modify or set aside the Order denying the non-dispositive motions (Doc. 42). The court agrees that the motions seeking an order requiring consideration of case law, a hearing before a three-judge panel, and for the appointment of counsel.


CONCLUSION

The court adopts the Report and Recommendation (Doc. 42). The dispositive motions (Docs. 10, 17, 19, 20, 21, 23, 24, 26, and 30) are DENIED. The Order denying the non-dispositive motions (Docs. 15, 16, 22, 25 and 39) remains in effect and is not modified or set aside.

As the magistrate judge’s report recognizes, the merits of the habeas petition (Doc. 5) remain pending.

SO ORDERED.

Dated at Rutland, in the District of Vermont, this 15 day of August, 2018.



Geoffrey W. Crawford, Chief Judge
United States District Court